

APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER  
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE  
STATE OF NEVADA HERETOFORE APPROPRIATED

Date of filing in State Engineer's Office JUL 19 1995

Returned to applicant for correction

Corrected application filed Map filed MAR 18 1988

The applicant Barrick Bullfrog Inc.

P.O. Box 519

Street and No. or P.O. Box No.

of

Beatty

City or Town

Nevada 89003

State and Zip Code No.

hereby make application for permission to change the

point of diversion, place and manner of use

Point of diversion, manner of use, and/or place of use

of water heretofore appropriated under Permit 41860

Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and

identify right in Decree.

1. The source of water is underground  
Name of stream, lake, underground spring or other source.
2. The amount of water to be changed 0.89 c.f.s.  
Second feet, acre feet. One second foot equals 448.83 gallons per minute.
3. The water to be used for mining, milling, dewatering, and domestic  
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.
4. The water heretofore permitted for mining, milling and domestic  
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.
5. The water is to be diverted at the following point within SW $\frac{1}{4}$  NW $\frac{1}{4}$  Sec. 35, T12S, R46E, M.D.B.&M.  
Describe as being within a 40-acre subdivision of public survey and by course and  
at a point from which the NW corner of Sec. 35, T12S, R46E, M.D.B.&M. bears N  
distance to a section corner. If on unsurveyed land, it should be stated.  
13 $^{\circ}$  02' 02" W a distance of 2206.47 feet (Appropriation No. 51844) Well #3
6. The existing permitted point of diversion is located within NW $\frac{1}{4}$  SE $\frac{1}{4}$  Sec. 18, T12S, R46E, M.D.B.&M.  
If point of diversion is not changed, do not answer.  
at a point from which the NW corner of said Sec. 18, bears N 48 $^{\circ}$  53' 35" W a  
distance of 5218.52 feet
7. Proposed place of use Sections 2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19,20,21,22,  
Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.  
23,24,25,26,27,28,33,34,35,36 T12S, R46E, M.D.B.&M.; Sections 7,18,19,30,31, T12S,  
R47E, M.D.B.&M., Sections 1,2,3, T13S, R46E, M.D.B.&M.
8. Existing place of use within Sections 17,18,19,20, T12S, R46E, M.D.B.&M.  
Describe by legal subdivisions. If permit is for irrigation, state number of acres irrigated. If changing place of use and/or  
manner of use of irrigation permit, describe acreage to be removed from irrigation.
9. Use will be from January 1 to December 31 of each year.  
Month and Day Month and Day
10. Use was permitted from January 1 to December 31 of each year.  
Month and Day Month and Day
11. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and  
specifications of your diversion or storage works.) Drilled well, pump and pipeline distribution  
State manner in which water is to be diverted, i.e. diversion structure,  
system  
ditches, pipes and flumes, or drilled well, etc.
12. Estimated cost of works \$100,000
13. Estimated time required to construct works 1 year

14. Estimated time required to complete the application of water to beneficial use.....5 years.....

15. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use:

The duty of water shall not exceed 200 million gallons annually. Existing place of use and point of diversion under maps under 41860 and proposed pou/pod under 51844 & 51847 on file at the States engineer office.

By: Lennie Boteilho  
P.O. Box 519, Beatty, NV 89003

Compared bk/df cl/cmg

Protested 10/27/95 Amargosa Resources, Inc.  
Overruled 12/22/95  
Ruling No. 4271

APPROVAL  
OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the point of diversion, place an manner of use of the waters of an underground source as heretofore granted under Permit 41860, is issued subject to the terms and conditions imposed in said Permit 41860, and with the understanding that no other rights on the source will be agected by the change proposed herein. A totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of the water begins or before the proof of completion of work is filed. This source is located within an area designated by the State Engineer pursuant to NRS 534.030.

The total combined duty of water under Permits 61412 and 61413 shall not exceed 200.0 million gallons annually.

The permittee will submit a report to the State Engineer on a semi-annual basis which contains all surface and groundwater measurements and water use data from each of the permittee's wells and includes the pumping under this permit. This report will be submitted in conjunction with the report required as a condition of Permits 51841 through 51848, inclusive.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

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The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.89 cubic feet per second, but not to exceed 200.0 million gallons annually.

Work must be prosecuted with reasonable diligence and be completed on or before June 19, 1996

Proof of completion of work shall be filed before July 19, 1996

Application of water to beneficial use shall be made on or before June 19, 1997

Proof of the application of water to beneficial use shall be filed on or before July 19, 1997

Map in support of proof of beneficial use shall be filed on or before N/A

Completion of work filed JUN 23 1999

Proof of beneficial use filed JUL 18 2002

Cultural map filed

Certificate No. 16384 Issued SEP 03 2004

IN TESTIMONY WHEREOF, I, R. MICHAEL TURNIPSEED, P.E.  
State Engineer of Nevada, have hereunto set my hand and the seal of my

office, this 21st day of February,

A.D. 1996

R. Michael Turnipseed  
State Engineer

(PERMIT TERMS CONTINUED)

Monthly records shall be kept of the amount of water pumped from this well and the records submitted to the State Engineer on a quarterly basis within 15 days after the end of each calendar quarter.

In the interest of the most efficient use of the limited water resource, the issuance of Permits 61412 and 61413 will allow the concurrent use of the waters from the Barrick Bullfrog, Inc. system for both mine usage (mining, milling, dewatering and domestic) and for municipal service for the Beatty Water and Sanitation District. Usage is authorized under individual permits. The initial limitation on usage will be 100.0 million gallons annually under this permit. The entire 200.0 million gallons annually duty as specified may revert to sole usage by Barrick Bullfrog, Inc. for mine purposes when municipal uses by Beatty Water and Sanitation District ceases.

All of the above stated conditions are issued subject to having no adverse impacts on existing rights.